



Road Traffic Act 1988

1988 CHAPTER 52

PART III

LICENSING OF DRIVERS OF VEHICLES

Granting of licences, their form and duration

97 Grant of licences

- (1) Subject to subsection (2) below and section 92 of this Act, the Secretary of State must, on payment of such fee (if any) as may be prescribed, grant a licence to a person who—
 - (a) makes an application for it in such manner and containing such particulars as the Secretary of State may specify,
 - (b) provides the Secretary of State with such evidence or further evidence in support of the application as the Secretary of State may require,
 - (c) surrenders to the Secretary of State any previous licence granted to him after 1st June 1970 or provides the Secretary of State with an explanation for not surrendering it which the Secretary of State considers adequate and, where the application is made by virtue of section 89(1)(c) of this Act, surrenders to the Secretary of State his exchangeable licence, and
 - (d) is not disqualified by reason of age or otherwise from obtaining the licence for which he makes the application and is not prevented from obtaining it by the provisions of section 89 of this Act.
- (2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in section 89 of this Act shall apply to such a licence.
- (3) A provisional licence—
 - (a) shall be granted subject to prescribed conditions,
 - (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed,

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- (c) may, in the case of a person appearing to the Secretary of State to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence, and
 - (d) shall not authorise a person, before he has passed a test of competence to drive, to drive a motor cycle having two wheels only, unless it is a learner motor cycle (as defined in subsection (5) below) or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres.
- (4) Regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period—
 - (a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle, or
 - (b) beginning at such other time as may be prescribed.
- (5) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—
 - (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
 - (b) the maximum power output of its engine does not exceed nine kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01), and
 - (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (6) below.
- (6) The weight referred to in subsection (5) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.
- (7) A person who fails to comply with any condition applicable to him by virtue of subsection (3) above is guilty of an offence.

98 **Form of licence**

- (1) A licence shall be in such form as the Secretary of State may determine and shall—
 - (a) state whether, apart from subsection (2) below, it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,
 - (b) specify the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of the provisions of section 101 of this Act,
 - (c) in the case of a provisional licence, specify the conditions subject to which it is granted, and
 - (d) where, by virtue of subsection (2) below, the licence authorises its holder to drive vehicles of classes other than those specified in the licence in pursuance of paragraph (a) above, contain such statements as the Secretary of State considers appropriate for indicating the effect of that subsection.

- (2) Subject to subsections (3) and (4) below, a licence which, apart from this subsection, authorises its holder to drive motor vehicles of certain classes only (not being—
- (a) a licence granted before 1st June 1970,
 - (b) a provisional licence granted after that date, or
 - (c) any other licence of a description prescribed for the purposes of this subsection)
- shall also authorise him to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.
- (3) A licence shall not by virtue of subsection (2) above authorise a person to drive—
- (a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 101 of this Act, lawfully hold a licence, or
 - (b) unless he has passed a test of competence to drive, a motor cycle which, by virtue of section 97(3)(d) of this Act, a provisional licence would not authorise him to drive before he had passed that test.
- (4) In such cases as the Secretary of State may prescribe, the provisions of subsections (2) and (3) above shall not apply or shall apply subject to such limitations as he may prescribe.
- (5) A person who fails to comply with any condition applicable to him by virtue of subsection (2) above is guilty of an offence.

99 Duration of licences

- (1) A licence shall, unless previously revoked or surrendered, remain in force, subject to subsection (2) below—
- (a) except in a case falling within paragraph (b) or (c) of this subsection, for the period ending on the seventieth anniversary of the applicant's date of birth or for a period of three years, whichever is the longer,
 - (b) except in a case falling within paragraph (c) of this subsection, if the Secretary of State so determines in the case of a licence to be granted to a person appearing to him to be suffering from a relevant or prospective disability, for such period of not more than three years and not less than one year as the Secretary of State may determine, and
 - (c) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,
- and any such period shall begin with the date on which the licence in question is expressed to come into force.
- (2) To the extent that a provisional licence authorises the driving of a motor cycle of a prescribed class it shall, unless previously surrendered or revoked, remain in force—
- (a) for such period as may be prescribed, or
 - (b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—
 - (i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor cycle, or

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- (ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.
- (3) Where it appears to the Secretary of State—
- (a) that a licence granted by him to any person is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it, or
 - (b) that the particulars specified in a licence granted by him to any person do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,
- the Secretary of State may serve notice in writing on that person revoking the licence and requiring him to surrender the licence forthwith to the Secretary of State.
- (4) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence to the Secretary of State and provide him with particulars of the alterations falling to be made in the name or address and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth.
- (5) A person who fails to comply with the duty under subsection (4) above is guilty of an offence.
- (6) Where a person who has a duty under this section to surrender his licence is not in possession of the licence in consequence of the fact that he has surrendered it to a constable or authorised person (within the meaning of Part III of the Road Traffic Offenders Act 1988) on receiving a fixed penalty notice given to him under section 54 of that Act, he does not fail to comply with the duty if he surrenders the licence to the Secretary of State immediately on its return.
- (7) On the surrender of a licence by any person in pursuance of subsection (3) or (4) above, the Secretary of State—
- (a) must, except where the licence was granted in error or is surrendered in pursuance of subsection (3) above in consequence of an error or omission appearing to the Secretary of State to be attributable to that person's fault or in consequence of a current disqualification, and
 - (b) may in such an excepted case which does not involve a current disqualification,
- grant to that person free of charge a new licence for such period (subject to subsection (8) below) that it expires on the date on which the surrendered licence would have expired had it not been surrendered.
- (8) Where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date.